

Question on Notice
No. 286
Asked on 10 March 2005

MRS R MENKENS asked the Minister for Child Safety (MR REYNOLDS)-

QUESTION:

With reference to criminal history checks for departmental employees, since the creation of the Department of Child Safety –

1. What number of employees have had a criminal history check undertaken by the Queensland Police Service at the request of the chief executive, and how many of these returned a negative notice?
2. What number of employees have failed to disclose information relating to their criminal history prior to being engaged by the department?
3. What number of employees have volunteered information to the department relating to a change in their criminal history?

ANSWER:

I thank the Member for her question. Section 22 of the *Family Services Act 1987* gives authority to the Chief Executive to ask the Commissioner of the Police Service for a written report about a person's criminal history, who is either engaged by, or seeking to be engaged by the department (and has given the chief executive a disclosure.)

The Department of Child Safety, Policy and Procedure titled, "Criminal history checks – persons "engaged" by the department", includes four principles on the subject of criminal history checks:

1. Criminal history checks are mandatory for all persons being considered for appointment by the Department, (ie. Prospective employees, honorary officers, agents, volunteers and students on work experience) (exemptions will only apply to some short term placements such as those of administrative staff in non-sensitive areas of the Department, temporary staff engaged by the Department in the event of a disaster and students engaged by the Department on supervised work experience for less than 20 hours in total.)
 2. A person must not be appointed to any job (unless otherwise stated) until the result of a criminal history check is known;
 3. Criminal history checks must also be conducted on current departmental employees appointed to a new job, seconded or transferred to a job within the Department, or who disclose a change in their "criminal history"; and
 4. Assessment of a person's "criminal history" and the decision regarding appointment, must be fully documented and managed in a fair and consistent manner.
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1. Since 20 September 2004, 577 employees in the Department of Child Safety have had a criminal history check undertaken with the Queensland Police Service at the request of the chief executive. Forty-two of these returned a negative notice, i.e. they had a criminal history recorded. It should be noted that a negative notice does not automatically disqualify someone from employment. The criminal history is examined against 9 applied criteria including the type and recency of offence before

a decision is made regarding employment. This process is recognised as best practice.

2. Twenty employees failed to disclose information relating to their criminal history prior to being engaged by the department. It should also be noted that employees and candidates for employment can inadvertently fail to disclose information due to misunderstanding what actually constituted “criminal history” under the *Family Services Act 1987*, as opposed to a deliberate attempt to mislead. Examples include a prospective employee being fined for an offence and having no conviction recorded. The prospective employee may be advised by their lawyer and/or the magistrate that they do not have a conviction and therefore do not have to disclose the information, however, these details would still constitute a criminal history under the *Family Services Act 1987*.

It must also be noted that some applicants are considered unsuitable for appointment on the basis of their criminal history and therefore are not included in these figures.

3. No employees have volunteered information to the department relating to a change in their criminal history.